

Disparate Regulation of Telecommunications Carriers (6/7/13)

Carrier Type	Rate Regulation	Tariff Changes	Service Quality	Investment	Consumer Protection	Enforcement
Incumbent Rural Telecom. Carrier < 50,000 lines in state (17 carriers)*	Rate of return 63-9H-7(G)	Residential increase: 60 days' notice, 2-1/2% protest or Staff motion for good cause triggers review unless to comply with law; Residential decrease or business: 10 days' notice; no right to protest or review 63-9H-7; 17.11.9	No current rules  Excluded from 63-9A-8.2; Can only be regulated per Rural Telecom. Act 63-9H-4(B)	No current rules  Excluded from 63-9A-8.2; Can only be regulated per Rural Telecom. Act 63-9H-4(B)	N/A  Can only be regulated per Rural Telecom. Act 63-9H-4(B)	Administrative fine of up to \$1,000 per violation; \$25,000 max. per 63-7-23  Commission may seek an injunction 63-9H-14
Mid-size 50,000 – 375,000 lines (Windstream, 67,000 lines);	Price cap 63-9A-5.1	Basic service: annual adjustment per index, 10 days' notice; Other: 10 days' notice; Commission can suspend if not in public interest 63-9A-5.1; 17.11.23	63-9A-5.1(C) Rulemaking  Excluded from 63-9A-8.2  Service standards but no credits 17.11.24	N/A  Excluded from 63-9A-8.2	63-9A-5.1(C) Rulemaking  Excluded from 63-9A-8.2  Slightly less stringent than general rule 17.11.25	Administrative fine of up to \$1,000 per violation; \$25,000 max. per 63-7-23; Commission may seek an injunction 63-9A-20
Over 375,000 lines (CenturyLink)	Alternative Form of Regulation (AFOR)/price cap for basic services 63-9A-8.2(C)	63-9A-8.2(B)(5) Rulemaking  Per AFOR III, 10 business days' notice for increases, subject to limited opportunity to object	63-9A-8.2(B)(1) Rulemaking  17.11.22 as modified by AFOR III	63-9A-8.2(B)(2), (B)(3) Rule-making  17.11.17 as modified by AFOR III	63-9A-8.2(B)(1) Rulemaking  17.11.16	Administrative fine of up to \$1,000 per violation; \$25,000 max. per 63-7-23; Commission may seek an injunction 63-9A-20

Competitive Local Exchange Carriers (CLECs)	N/A	10 business days' notice; Staff may protest if concerns not resolved; CLEC has burden of showing tariff is in the public interest	17.11.22 (no credits)	N/A	17.11.16 (some provisions)	Administrative fine of up to \$1,000 per violation; \$25,000 max. per 63-7-23
Wireless Carriers	N/A	N/A	N/A	N/A	17.11.16 (some provisions)	Administrative fine of up to \$1,000 per violation; \$25,000 max. per 63-7-23

\* Baca Valley Telephone Company, CenturyTel (federal: price cap affiliate); Copper Valley Telephone Cooperative (no NMRUSF funding; small areas near AZ), Dell Telephone Cooperative, ENMR Telephone Cooperative/Plateau, La Jicarita Rural Telephone Cooperative, Leaco Rural Telephone Cooperative, Mescalero Apache Telecom, Navajo Communications/Frontier (federal: price cap carrier), Panhandle Telephone Cooperative (no NMRUSF funding; small area near OK panhandle), Penasco Valley Telephone Cooperative, Roosevelt County Rural Telephone cooperative, Sacred Wind Communications (no NMRUSF funding; postdates access charge reduction), Tularosa Basin Telephone Company, Valley Telephone Cooperative, Western New Mexico Telephone Company, and XIT Communications (no NMRUSF funding; small area near TX panhandle)